

## IN THE UNITED STATES DISTRICT COURT

## FOR THE DISTRICT OF UTAH

JEREMY WARBY,  Plaintiff,  v.  MERIT SYSTEMS PROTECTION BOARD,  Defendant.	<b>ORDER ADOPTING REPORT AND RECOMMENDATION</b>  Case No. 1:21-cv-00115-JNP-DBP  Judge Jill N. Parrish
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Magistrate Judge Dustin B. Pead issued a Report and Recommendation that the court deny plaintiff Jeremy Warby's motion to proceed in forma pauperis. Judge Pead notified Warby that a failure to file a timely objection to his recommendation could waive any objections to it. No objection was filed within the allotted time.

Because Warby did not object to the Report and Recommendation, any argument that it was in error has been waived. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996). The court will decline to apply the waiver rule only if "the interests of justice so dictate." *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991). The court has reviewed the Report and Recommendation and concludes it is not clearly erroneous. Thus, the court finds that the interests of justice do not warrant deviation from the waiver rule and ADOPTS IN FULL the Report and Recommendation.

Accordingly, the court ORDERS as follows:

1. The Report and Recommendation, ECF No. 7, is ADOPTED IN FULL.
2. The court DENIES Warby's motion to proceed in forma pauperis. ECF No. 31.

3. Warby must pay the full filing fee of \$400 by December 2. If the full filing fee is not paid by this date, the court will dismiss this action without prejudice.

**DATED** November 2, 2021.

BY THE COURT:



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JILL N. PARRISH  
United States District Judge